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MEMO ENDORSED

January 12, 2021

Via ECF

Hon. Kenneth M. Karas

United States District Court

Southern District of New York

300 Quarropas Street

White Plains, NY, 10601

Re: United States v. Arnold Klein, 18-cr-881

Dear Judge Karas:

We respectfully write, with the consent of the U.S. Attorney's Office, to inform Your Honor that we have reached a resolution in this case, that will involve the filing of a superseding Information and guilty plea by Mr. Klein. We therefore request that Your Honor either schedule a time for that waiver of indictment, arraignment, and guilty plea, or refer those proceeding to a Magistrate Judge.

If Your Honor refers this matter to a Magistrate Judge, the parties respectfully request that Your Honor make a finding, by so-ordering this letter-motion, that the plea in this case satisfies the legal standard under the CARES Act to allow the plea proceeding to be held via videoconferencing.

As Your Honor is aware, the CARES Act provides that felony pleas may be held via video-conference if the District Judge "in a particular cases finds for specific reasons that the plea ... in that case cannot be further delayed without serious harm to the interests of justice." § 15002(b).

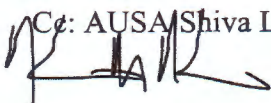
Mr. Klein, who is over 70, is ready to plea guilty. An in-person sentencing would present real health risks to both him and counsel and court staff. A delay until it is safe to hold in-person proceedings may result in a delay of months until he can enter his plea, and a concomitant delay in the ultimate resolution of his case. For this reason, we respectfully request that Your Honor make the requisite finding under the CARES Act to allow Mr. Klein's plea to be held by video.

Based on the representations herein, the Court finds, under the CARES Act, that the plea in this case cannot be further delayed without serious harms to the interests of justice. Mr. Klein is in an age group that places him in /s/ danger from COVID and delay would undermine the interests of justice. Respectfully submitted,

Gedalia M. Stern

So Ordered.

Cc: AUSA Shiva Logarajah (via ECF)



1/12/21